

**NOT FOR PUBLICATION**

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

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**IN RE: PROTON-PUMP INHIBITOR PRODUCTS  
LIABILITY LITIGATION**

**2:17-MD-2789 (CCC)(LDW)  
(MDL 2789)**

**This Document Relates to:  
All cases listed in Exhibit A**

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**OPINION AND ORDER**

**CECCHI, District Judge.**

**I. Introduction**

This matter comes before the Court upon Case Management Order (“CMO”) No. 65, ECF No. 723, entered on December 2, 2021, which identified 1,535 cases in which AstraZeneca LP (“AZLP”), AstraZeneca Pharmaceuticals LP (“AZPLP”), and Merck & Co. Inc. d/b/a Merck, Sharp & Dohme Corporation (“Merck”) (collectively, the “AZ Defendants”) alleged that service of the summons and complaint had not been effected and in which no proof of service appeared on the docket of the case. CMO No. 65 ordered Plaintiffs in those cases within thirty days to (1) establish that service was effected on the AZ Defendants identified in Exhibit A to CMO No. 65, as required by Rule 4(m) of the Federal Rules of Civil Procedure<sup>1</sup> by filing proof of service, (2) voluntarily dismiss the AZ Defendants, or (3) show cause why the AZ Defendants should not be dismissed within thirty days of entry of the Order. CMO No. 65, at 2 CMO No. 65 ordered Plaintiffs to file their responses on the dockets of the individual cases, and permitted the AZ Defendants to oppose within thirty days of each plaintiff’s response.<sup>2</sup> Plaintiffs were specifically

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<sup>1</sup> All references to Rules herein are to the Federal Rules of Civil Procedure.

<sup>2</sup> At the request of the parties, the deadline for Plaintiffs to file responses to CMO No. 65 was extended to March 31, 2022, and then to June 30, 2022. *See* CMO No. 67, at § I.D, ECF No. 747; CMO No. 70, at ¶ B, ECF No. 769. The deadline for the AZ Defendants to oppose each plaintiff’s

advised that “[f]ailure to comply with the terms of this Order will result in the dismissal of the case as to the identified AZ Defendants.” CMO No. 65, at 2.

## II. Legal Standard

Rule 4 governs the requirements regarding serving a summons. In particular, Rule 4(m) requires that “[i]f a defendant is not served 90 days after the complaint is filed, the court – on motion or on its own after notice to plaintiff – must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.” Fed. R. Civ. P. 4(m). In the Third Circuit, establishing good cause requires a “demonstration of good faith on the part of a party seeking an enlargement and some reasonable basis for noncompliance with the time specified in the rules.” *MCI Telecomms. Corp.*, 71 F.3d at 1097.<sup>3</sup> In the absence of a showing of good cause for failure timely to effect service, the Court has discretion either to dismiss a case or permit an extension. *Id.* at 1098 (citing *Petrucelli v. Bohringer & Ratzinger*, 46 F.3d 1298, 1305 (3d Cir. 1995)). It is the plaintiff’s burden to demonstrate good cause for such failure to effectuate timely service or to persuade the Court to exercise its discretion and not dismiss the AZ Defendants from their cases. *Spence v. Lahood*, No. 11-3972, 2012 U.S. Dist. LEXIS 80015, at \*15 (D.N.J. June 8, 2012) (citing *McCurdy v. Am. Bd. of Plastic Surgery*, 157 F.3d 191, 196 (3d Cir. 1998)).

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response was extended to May 15, 2022, then to August 16, 2022, and then to October 17, 2022. See CMO No. 67, at § I.D, ECF No. 747; CMO No. 70, at ¶ B, ECF No. 769; CMO No. 78, at ¶ A, ECF No. 841.

<sup>3</sup> Plaintiffs note that the version of Rule 4 quoted in *MCI Telecomms* is no longer applicable after an amendment in 1993. The amendment removed “good cause” as an absolute prerequisite for an extension of service. However, as explained above, the good cause standard still exists in Rule 4(m). The amendment merely allows courts, in the absence of good cause, to exercise their discretion to allow an extension if the circumstances warrant. Notably, the Court’s Opinion and Order here is based on the current version of Rule 4(m).

### III. Discussion

As stated above, CMO No. 65 ordered the identified Plaintiffs within thirty days to either establish that service was properly effectuated pursuant to Rule 4(m), voluntarily dismiss the AZ Defendants, or show cause why the AZ Defendants should not be dismissed. CMO No. 65 did not provide Plaintiffs with an extension of time to serve the Complaint, instead, it directed Plaintiffs to prove that service had in fact been effectuated or to “show cause why the AZ Defendants should not be dismissed.”

The 1,181 Plaintiffs in the cases identified on Exhibit A herein have failed to satisfy the requirements of CMO No. 65. Plaintiffs do not claim to have timely served the AZ Defendants in compliance with Rule 4(m). *See* CMO No. 7, at § II.D (“Absent agreement of the parties or subsequent Order of the Court, service of process shall be effectuated as required under Rule 4 of the Federal Rules of Civil Procedure.”).<sup>4</sup> While there is disagreement between Plaintiffs and the AZ Defendants concerning the fact or date of service in some of the cases here, it is undisputed that in the cases in which the AZ Defendants were served, service was effected only after CMO No. 65 was entered. In fact, of these 1,181 cases (and utilizing the earlier purported date of service in the event that the parties did not agree on the date of service), service was made between one to two years after the ninety-day period in Rule 4(m) in 9 cases; between two to three years after the ninety-day period in 228 cases; and between three to just over four years after the ninety-day period in 944 cases. Further, no Plaintiff here has dismissed the AZ Defendants from their case. Finally, as further elaborated below, Plaintiffs have not shown cause why the AZ Defendants should not

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<sup>4</sup> Though not relevant in these cases, the Court notes that AZLP, AZPLP, and Merck agreed to accept service of a Complaint by email at PPIComplaints@icemiller.com. CMO No. 27, at § I.D, ECF No. 260

be dismissed. Accordingly, due to untimely service and lack of good cause shown, it is appropriate that the AZ Defendants be dismissed from the cases identified in Exhibit A.

**a. Plaintiffs Do Not Demonstrate Good Cause Mandating an Extension of Time to Serve**

Plaintiffs' responses to CMO No. 65 do not demonstrate good cause excusing their lack of timely service pursuant to Rule 4(m). Good cause requires "a demonstration of good faith on the part of the party seeking an enlargement . . . and some reasonable basis for noncompliance with the time specified in the rules." *MCI Telecomms. Corp.*, 71 F.3d at 1097. To determine whether good cause exists, the Court considers "(1) reasonableness of plaintiff's efforts to serve (2) prejudice to the defendant by lack of timely service and (3) whether plaintiff moved for an enlargement of time to serve." *Id.* The primary focus must always be on "the plaintiff's reasons for not complying with the time limit in the first place." *Id.* Yet here, Plaintiffs have not even attempted to show good cause for their failure to timely serve or addressed the reasons for untimeliness. *See, e.g.*, Pl. Lawrence Lucerne's Resp. to Orders to Show Cause Regarding Service of Process, at 22-24, No. 2:19-cv-04209, ECF No. 8 ("Lucerne Resp."). Accordingly, as the Court further explains, Plaintiffs have failed to demonstrate good cause for failure to timely serve in compliance with Rule 4(m).

As an initial matter, the Court notes that Plaintiffs responded to CMO No. 65 by filing virtually identical responses that do not reference the AZ Defendants' specific conduct. These responses attached an exhibit with limited information about the Plaintiffs' individual cases, but did not include any documentation to support their assertions in the exhibit. The information in these exhibits filed by Plaintiffs includes such information as the date of alleged service (if any), whether a defendant had filed a notice of appearance, whether a defendant had filed a short form answer, whether a Plaintiff Fact Sheet had been uploaded to Marker Group, whether a Defense

Fact Sheet had been served, and whether a defendant had sent a deficiency letter related to the Plaintiff Fact Sheet. *See, e.g.*, Lucerne Resp.; Pl. Michael Lopez’s Resp. to Order to Show Cause Regarding Service of Process, Ex. A, No. 2:18-cv-04494, ECF No. 15 (“Lopez Resp.”). In addition, Plaintiffs’ briefing does not address any reasons for the failure to timely serve and instead focuses on arguments concerning the AZ Defendants’ purported waiver of service and the Court’s authority for discretionary extensions. *See Houser v. Williams*, No. 16-9072, 2020 U.S. Dist. LEXIS 43518, at \*6 (D.N.J. Mar. 12, 2020) (finding dismissal warranted where plaintiff did not serve the complaint for months after an agreed-upon extension and then failed to detail any steps he took towards serving defendant within the extended time afforded by the court).

Turning to the factors for evaluating good cause, the first factor examines the reasonableness of the plaintiff’s efforts to serve the complaint. As noted, Plaintiffs offer no explanation for the failure to timely serve, nor an adequate description of reasonable steps that Plaintiffs took to effect timely service as required by Rule 4(m). And none of the Plaintiffs at issue here were close to satisfying timely service under Rule 4(m). As previously stated, in all 1,181 cases, service was effected at least one year after the ninety-day period under Rule 4(m) had lapsed; indeed, in 944 cases, or approximately 80 percent, service was effected over three years after the ninety-day period under Rule 4(m) had lapsed. Given Plaintiffs’ lack of sufficient efforts to serve the complaint, this factor weighs heavily in favor of the AZ Defendants.

Under the second factor, the Court considers prejudice to the AZ Defendants by lack of timely service. Here, Plaintiffs’ failure to serve caused the AZ Defendants to expend time and resources through investigation, consultation with opposing counsel, and advocating for and responding to case management orders – all to determine whether Plaintiffs intended to pursue litigation against them. *W. Coasts Quartz Corp. v. M.E.C. Tech, Inc.*, 2017 WL 1944197, at \*2

(D.N.J. May 9, 2017). Moreover, this Court has previously determined that the AZ Defendants had been prejudiced by the delayed service or non-service. *See* Order Regarding CMO No. 65, at 7, ECF No. 890. Given the prejudice to the AZ Defendants resulting from Plaintiffs’ failure to timely serve, this factor also cuts against good cause. And even if Plaintiffs had demonstrated lack of prejudice to the AZ Defendants, “absence of prejudice alone can never constitute good cause to excuse late service.” *MCI Telecomms Corp.*, 71 F.3d at 1097.

Finally, under the third factor, while Plaintiffs have now requested an extension of time to serve the AZ Defendants, they did so only after CMO No. 65 was entered, which was a year or more after the time to serve the AZ Defendants in compliance with Rule 4(m) had lapsed. *See, e.g.,* Lucerne Resp.; Lopez Resp. Plaintiffs have not explained why they did not request an extension of time to serve the AZ Defendants until after CMO No. 65 was entered by this Court. Accordingly, this factor similarly weighs in favor of the AZ Defendants and against Plaintiffs’ showing of good cause.

Considering the three factors used to evaluate whether good cause has been demonstrated, Plaintiffs here have not demonstrated good cause for their failure to serve the AZ Defendants in compliance with Rule 4(m).

**b. Plaintiffs Have Not Persuaded the Court that a Discretionary Extension is Warranted**

In the absence of a showing of good cause mandating an extension to effectuate service, the Court nonetheless has discretion to either dismiss the case or permit extension. Because Plaintiffs have not established good cause, *see supra*, they must rely on the Court’s discretionary authority to excuse failures to comply with Rule 4(m). *See Edwards v. Hillman*, 849 F. App’x. 23, 25 (3d Cir. 2021) (citing *Petrucelli*, 46 F.3d at 1305). The Court’s exercise of discretion in this area is guided by various factors, including: “actual notice of the legal action; prejudice to the

defendant; the statute of limitations on the underlying causes of action; the conduct of the defendant; and whether the plaintiff is represented by counsel, in addition to any other factor that may be relevant.” *Chiang v. U.S. Small Bus. Admin.*, 331 Fed. App’x 113, 116 (3d Cir. 2009); *see also Spence*, 2012 U.S. Dist. LEXIS 80015, at \*15. Here, considering these factors, Plaintiffs have not met their burden in persuading the Court that such discretion should be exercised under these circumstances.

With respect to the first factor—actual notice of the legal action—Plaintiffs argue that the AZ Defendants were on notice of their claims through their tolling agreement, which provided Plaintiffs time to obtain information about their claims before filing a complaint.<sup>5</sup> However, the fact that a plaintiff was on the tolling agreement and may potentially bring a claim against the AZ Defendants or another defendant does not mean that the AZ Defendants had actual legal notice that a particular plaintiff would be pursuing his or her claim against the AZ Defendants in a legal action.

*In re Asbestos Prod. Liab. Litig. (No. VI)*, upon which Plaintiffs rely for their argument that a court may extend the time for proper service if the defendant had “actual notice of the pending action,” is instructive. 2014 WL 1903904, at \*1 (E.D. Pa., May 12, 2014); *see* Lucerne Resp. at 9-10 (citing *Asbestos*). The issue there concerned the appropriateness of a specific method of service by mail under Ohio law—not untimely service that occurred anywhere from one to four years past

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<sup>5</sup> In June 2018, the parties entered into a tolling agreement concerning the statute of limitations. In order to obtain the benefit of tolling under the tolling agreement, a claimant had to provide the following information to all defendants: name and date of birth of the PPI user, name(s) of any derivative claimant(s), city and state of residence, date of first PPI use, date of last PPI use, alleged injury, and name of claimant’s counsel. The Plaintiffs’ Steering Committee was to compile this information and submit it to the defendants on an Excel spreadsheet on a monthly basis. *See* Stip. Regarding Tolling of Stats. of Lims., ECF No. 232, at 1-2. The data required to be provided to all defendants in the tolling agreement did not identify specific defendants whose product(s) were allegedly used by individual plaintiffs.

the Rule 4(m) deadline. Notably, the court found that the defendants were on “actual legal notice” of the pending action because the plaintiffs provided proof of a green card signed by the defendant, evidencing receipt of the original process papers by defendants’ counsel, which the court found acceptable under Ohio state law. *Asbestos*, 2014 WL 1903904, at \*1. By contrast, Plaintiffs here have not offered any similar evidence of actual notice. Indeed, as the AZ Defendants argue, the tolling agreement “covered Plaintiffs who could not yet show proof of use as to a Defendant’s product” and, moreover, did not identify a specific defendant or which PPI products were at issue as to a particular potential plaintiff. *See, e.g.*, No. 19-cv-04209, ECF No. 10 at 10 n.3. Therefore, Plaintiffs’ reliance on *Asbestos* is misplaced and they have not demonstrated that the AZ Defendants had actual notice of pending litigation.

Turning to prejudice to the defendant—the second factor—the Court reiterates its analysis when discussing the same factor in the context of good cause. *See supra* III.a (noting the AZ Defendants expended time and resources through their repeated attempts to determine whether Plaintiffs intended to pursue litigation against them, including their own independent inquiries, as well as meetings with counsel and the special master). Further, this Court has previously found in this MDL (with respect to a different defendant) that “[w]asted time and resources and inconvenience standing alone may constitute sufficient prejudice to warrant dismissal.” CMO No. 63 at 7 (citing *Miller v. Advocare, LLC*, No. 12-01069, 2013 U.S. Dist. LEXIS 71451, at \*8-9 (D.N.J. May 21, 2013)). Accordingly, this factor weighs against Plaintiffs’ request.

Regarding the statute of limitations, the third factor, Plaintiffs argue that the applicable statute of limitations in most, if not all, of the actions subject to CMO No. 65 has expired. *See, e.g.*, Lucerne Resp. at 21. However, “the expiration of the statute of limitations does not require the court to extend the time for service, as the court has discretion to dismiss the case even if the

refiling of the action is barred.” *MCI Telecomms. Corp.*, 71 F.3d at 1098. Given the length of time between filing and service in the cases of these Plaintiffs—in some cases over four years—Plaintiffs’ argument that the potential lapse of the statute of limitations warrants extension is not compelling. Relatedly, Plaintiffs have not alleged that the AZ Defendants engaged in any conduct to impede or frustrate timely service. *See Spence*, 2012 U.S. Dist. LEXIS 80015, at \*15 (fourth factor). These factors thus militate against a discretionary extension as well.

The final factor guiding the Court’s discretion examines whether the plaintiff is represented by counsel. *See Spence*, 2012 U.S. Dist. LEXIS 80015, at \*15. Plaintiffs here are all represented by counsel. And, in this context, “[e]ven when delay [in service] results from inadvertence of counsel, it need not be excused.” *Petrucelli*, 46 F.3d at 1307. This factor thus also weighs against a discretionary extension.

Weighing all of the above factors, the Court is not persuaded that exercising its discretion to grant an extension to effectuate service on the AZ Defendants is warranted. Moreover, in addition to the factors counseling against an extension, the Court’s conclusion is further supported by Plaintiffs’ failure to provide an explanation as to why they did not timely serve the AZ Defendants.<sup>6</sup>

**c. Plaintiffs Have Not Shown that the AZ Defendants Waived their Defense to Untimely Service**

Plaintiffs generally assert that the AZ Defendants waived any defense related to untimely service by virtue of their conduct in this MDL litigation. Plaintiffs argue that dismissal of their

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<sup>6</sup> The AZ Defendants also argue that because Plaintiffs did not address their reasons for untimely service (and instead relied chiefly on arguments concerning waiver), Plaintiffs’ reply to CMO 65 failed to comply with a court order, requiring dismissal of their cases on that independent basis. *See, e.g.*, No. 19-cv-04209, ECF No. 10 at 6. The AZ Defendants cite certain *Poulis* factors to support this argument. *Id.* at 10. As explained above, the Court has considered Plaintiffs’ lack of an explanation in its discussion of Rule 4(m) and discretionary extensions.

claims against the AZ Defendants is inappropriate in those cases where (1) the AZ Defendants filed a motion to dismiss without raising service; (2) the AZ Defendants either filed an answer without raising service or answered before service; or (3) the AZ Defendants manifested some intention to defend the case through the AZ Defendants' conduct. *See, e.g.*, Lucerne Resp. at § IV.B; Lopez Resp. at § IV.B. For the below reasons, the Court finds that the AZ Defendants have not waived their defense to untimely service.

The Court first turns to Plaintiffs' argument that the AZ Defendants waived their defense to lack of service in those cases where the AZ Defendants filed a motion to dismiss for purported failure to comply with the tolling agreement without specifically raising the defense. However, the AZ Defendants did not raise service in their motions to dismiss because an alternate procedure, proposed and agreed upon by the parties, was set forth in a stipulated court order, with their defenses expressly preserved by CMO No. 7. *See* CMO No. 7, ECF No. 112, at 7 ("Defendants also reserve all rights to move to dismiss . . . under Federal Rule of Civil Procedure Rule[] 12. Defendants shall only be permitted to file said motions to dismiss subject to leave of this Court."). CMO No. 7 thus expressly restricted defendants from moving to dismiss individual plaintiffs under Rule 12 absent leave of this Court. Indeed, the federal rules bar a defendant from later moving to dismiss for insufficient service of process only when the party "*could have raised* these objections in their [earlier] motion to dismiss the complaint." *Denkins v. William Penn Sch. Dist.*, No. 20-02228, 2020 WL 5880132, at \*3 (E.D. Pa. Oct. 2, 2020); *accord* Wright & Miller, 5C Fed. Prac. & Proc. Civ. § 1391 ("If one or more of these defenses are omitted from the initial motion but were 'then available' to the movant, they are permanently lost."). In filing their authorized dismissal motions pursuant to the tolling agreement and CMO No. 7, the AZ Defendants did not have leave to raise any other defense, including insufficient service as to a particular case. Having understood

and agreed that such motions were to be deferred to a later date and with leave of the Court, it is not correct that the AZ Defendants, or any other defendant, waived their defense of service by failing to argue it in their motions to dismiss related to purported violations of the tolling agreement.

Plaintiffs' next argument—that the AZ Defendants waived service either by filing an answer without raising service or by answering before service—is similarly unavailing. Plaintiffs assert that, as a general matter, waiver of service may occur where a defendant files an answer as its first responsive pleading and the answer fails to plead the defense. *See, e.g.*, Lucerne Resp. at 7, 13. Accordingly, Plaintiffs argue that there are three potential scenarios where service has been waived by answer. First, Plaintiffs claim that in any case where the AZ Defendants filed a short form answer, service was waived because the short form answer simply incorporated the AZ Defendants' initial long form answer. This, Plaintiffs maintain, is because the long form answer did not assert the defense of lack of service. *See, e.g., id.* at 14. Second, since a defendant's notice of appearance in a specific case may serve as a short form answer, *see* Case Management Order No. 27 (ECF No. 265), Plaintiffs contend that a notice of appearance after service is functionally the same as a short form answer—it incorporates the long form answer, which does not assert the defense of lack of service. Finally, Plaintiffs argue that a notice of appearance *before* service waives this defense under the terms of Case Management Order No. 27 for cases filed after September 24, 2018. *See, e.g.*, Lucerne Resp. at 8; *see also* CMO No. 27, at § 1.A.

As an initial matter, Plaintiffs' individual submissions here do not assert that the AZ Defendants filed a short form answer in any of their cases, and the dockets confirm no such short form answers exist. *See, e.g.*, Lucerne Resp., Ex. A; Lopez Resp., Ex. A; *see generally* No. 2:19-cv-04209; No. 2:18-cv-04494. Plaintiffs' first argument is thus inapplicable to the cases listed in

Exhibit A. Similarly, for the cases which are subject to CMO No. 27's provision that a notice of appearance *before* service waives the defense (i.e., cases filed on or after September 24, 2018), the dockets clearly reflect that, to the extent the AZ Defendants filed a Notice of Appearance, it was not until *after* service was (untimely) effected on them and after the entry of CMO 65. This leaves the Plaintiffs whose individual submissions assert the AZ Defendants filed a notice of appearance after service, which, they argue, waived the AZ Defendants' untimely service defense because those notices incorporated the long form answer without further raising such a defense. However, as discussed above, at that point, the AZ Defendants had specifically "reserve[d] all rights to move to dismiss ... under Federal Rules of Civil Procedure Rule[] 12" when they (and Plaintiffs) agreed to CMO No. 7. CMO No. 7 at § G. Accordingly, the Court concludes that by filing a notice of appearance in a case in which the AZ Defendants had plainly reserved their right to challenge service, that notice of appearance did not negate the prior reservation and thereby waive the defense.<sup>7</sup>

Plaintiffs' final argument on waiver is that the AZ Defendants waived their defense of service through their conduct in the PPI litigation either as a whole or in individual cases. In support of their argument as to the AZ Defendants' conduct in the litigation as a whole, Plaintiffs rely on *In re Cathode Ray Tube (CRT) Antitrust Litigation*, No. 07-5944, 2014 U.S. Dist. LEXIS 78902 (N.D. Cal. June 9, 2014). In that case, certain defendants raised their Rule 12(b)(5) defense to service in a consolidated motion to dismiss, but subsequently abandoned that 12(b)(5) motion in a later filing and then continued to participate in litigation for four years. The court found that under these circumstances those defendants had waived their defense of lack of service. *Id.* at \*84-

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<sup>7</sup> The Court also notes that even if, contrary to the record, the AZ Defendants had filed a short form answer in any of the cases at issue here, the AZ Defendants' reservation of rights from CMO No. 7 would mean that service was not waived.

88. The case is inapposite, however, as the AZ Defendants never previously raised—and subsequently abandoned—the defense of service in any of the cases identified here, and indeed was unable to without leave of the Court under CMO No. 7, as agreed to by the parties. Similarly, Plaintiffs’ reliance on *In re Methyl Tertiary Butyl Ether (“MTBE”) Prods. Liab. Litig.*, 162 F. Supp. 3d 247 (S.D.N.Y. Jan. 21, 2016), is misplaced. There, the plaintiff’s timely but defective service on the defendant’s prior (and thus incorrect) address combined with the defendant’s actions in participating in the litigation (including attending MDL status conferences in which the particular case was discussed and waiting until after the statute of limitations had expired before moving to dismiss the complaint for lack of service) contributed to the plaintiff being “lulled into believing it had effectively served” the defendant. *Id.* at 250. The court thus found that the defendant’s conduct justified the court’s exercising its discretion to extend the time for service, but, importantly, the court did not find that the defendant had waived its defense. *Id.* at 48-50. Plaintiffs here have not asserted that they timely served the AZ Defendants at the wrong address or were otherwise lulled into thinking that they had in fact properly served the AZ Defendants before CMO No. 65 was entered. Therefore, neither *In re CRT* nor *In re MTBE* justifies Plaintiffs’ argument.

Additionally, Plaintiffs’ general response argues that the AZ Defendants waived their defense of service by participating in the litigation of individual cases, citing *In re: Ethicon, Inc.*, No. 2:13-cv-00758, 2016 U.S. Dist. LEXIS 148765 (S.D.W.V. Oct. 27, 2016). But there, the defendants acknowledged receipt of a plaintiff profile form, requested additional information from the plaintiffs regarding their claims, and threatened to pursue a remedy in court if the plaintiff did not comply with their request. *Id.* at \*6. By contrast, none of the Plaintiffs in the 1,181 cases herein claim that they received a deficiency letter related to their Plaintiff Fact Sheet, or that the AZ

Defendants threatened to pursue a judicial remedy if the plaintiff did not cure the deficiency. In short, unlike in the *Ethicon* case, none of these Plaintiffs has demonstrated that the AZ Defendants have meaningfully participated in the litigation in their particular case. Further, the Court rejects Plaintiffs' suggestion to impute the AZ Defendants' conduct in defending themselves in cases not subject to CMO No. 65 to suggest that the AZ Defendants waived their defense of service of process in the specific cases identified in Exhibit A hereto.

Plaintiffs also assert that the AZ Defendants have waited too long to assert their defense of service. Plaintiffs rely on the Sixth Circuit's decision in *King v. Taylor*; however, in that case, unlike here, the defendant actively litigated the case by, among other things, filing a joint Rule 26(f) report, participating in depositions, seeking to extend discovery deadlines, and joining in a status report in that particular case, and only moved to dismiss for lack of service at the summary judgment stage. *King v. Taylor*, 694 F.3d 650, 659-61 (6th Cir. 2012). Here, however, none of the 1,181 cases identified in Exhibit A is a Bellwether case or a Wave case and thus the AZ Defendants have not participated in discovery in the individual cases like the defendant in *Taylor* did. Further, as noted previously, stipulated CMO No. 7 precluded the AZ Defendants from filing a motion to dismiss for lack of service without leave of the Court.

#### **IV. Conclusion**

CMO No. 65 required Plaintiffs to (1) show they timely served the AZ Defendants pursuant to Rule 4(m), (2) dismiss the AZ Defendants from their case, or (3) show cause why this Court should not dismiss the AZ Defendants from their cases. Plaintiffs whose cases are on Exhibit A have failed to meet their burden of demonstrating good cause for failure to comply with CMO No. 65 and effectuate timely service, and have failed to persuade the Court to exercise its discretion not to dismiss the AZ Defendants from their cases. Accordingly, this Court denies Plaintiffs'

requests for extensions and orders the AZ Defendants to be dismissed without prejudice from the cases identified in Exhibit A.<sup>8</sup>

Accordingly, **IT IS** on this 24 day of April, 2023;

**ORDERED** that the AZ Defendants shall be **DISMISSED** without prejudice from the cases identified in Exhibit A hereto.

**SO ORDERED.**

A handwritten signature in dark ink, appearing to read 'Cc', is positioned above a horizontal line.

**CLAIRE C. CECCHI, U.S.D.J.**

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<sup>8</sup> To the extent Plaintiffs in the cases identified in Exhibit A hereto have raised in their briefing any arguments not expressly addressed herein, the Court has considered and rejected them.

## Exhibit A

	Plaintiff Name	Case No.
1	Ronald Trent	2:18-cv-03769
2	Sunny Nielson	2:18-cv-03770
3	Valerie D. Bell	2:18-cv-03774
4	Antonio D. Davis	2:18-cv-03775
5	Misty Ashley	2:18-cv-03851
6	Carolyn Ellis	2:18-cv-03855
7	Fred Foscalina, As Proposed Administrator of the Estate of Betty Foscalina, Deceased	2:18-cv-03856
8	Ronald Gardea	2:18-cv-03858
9	Paul Gann and Candance Gann	2:18-cv-03878
10	Alva Stewart	2:18-cv-03879
11	Shawney Tackett, as Proposed Representative of the Estate of David L. Francis, Deceased	2:18-cv-03880
12	Nancy M. Crockett	2:18-cv-03883
13	Lynda D. McKibben	2:18-cv-03885
14	Leonore L. Sosa	2:18-cv-03886
15	Nathaniel McDaniel	2:18-cv-03888
16	Susan Cobb	2:18-cv-03889
17	Mary E. Berry	2:18-cv-03898
18	Kerrie Griffin	2:18-cv-04021
19	Charlene Coffey	2:18-cv-04024
20	Janet Gills	2:18-cv-04028
21	Debra Grigsby	2:18-cv-04031
22	Barbara Gibson	2:18-cv-04033
23	Steven Knox	2:18-cv-04036
24	Iva Good	2:18-cv-04038
25	Larry Rutheford and Diane E. Rutheford	2:18-cv-04039
26	Cynthia Gordon	2:18-cv-04042
27	Doris Cook	2:18-cv-04043
28	Alvin Cooper, as Proposed Representative of the Estate of Peggy Cooper, Deceased	2:18-cv-04045
29	Ricky L. Graham	2:18-cv-04047
30	Norman Kydd	2:18-cv-04048
31	Jeanette Gillespie	2:18-cv-04049
32	Joyce Gettys	2:18-cv-04052
33	Joyce Covington	2:18-cv-04053
34	Della I. Gregg	2:18-cv-04054
35	Theresa Landingham	2:18-cv-04057
36	Connie L. Croy	2:18-cv-04058
37	Christopher Cracolice and Martha Ann Cracolice	2:18-cv-04064
38	Terrisina Lawrence-Mason	2:18-cv-04065
39	Dianne Webber	2:18-cv-04069
40	Deborah Kirby and Thomas Kirby	2:18-cv-04073
41	Gaye Riggle, As Proposed Administrator of the Estate of Thomas Riggle, Deceased	2:18-cv-04076
42	Ethelyn Ruddell	2:18-cv-04077

## Exhibit A

43	Denver Kennett and Delores Kennett	2:18-cv-04078
44	Nancy Ritterbush	2:18-cv-04084
45	Karen Reese	2:18-cv-04086
46	Willa Roberts	2:18-cv-04087
47	Tyrone Robinson	2:18-cv-04088
48	John Van Ness	2:18-cv-04090
49	Harry Hortsch	2:18-cv-04093
50	John Ortiz	2:18-cv-04095
51	Mike Moffat	2:18-cv-04139
52	Kristine S. Murff	2:18-cv-04145
53	Jeff Vider and Peggy Vider	2:18-cv-04151
54	Laurie T. Lum	2:18-cv-04159
55	Patrick Kirk and Rena Kirk	2:18-cv-04163
56	Barbara Corley	2:18-cv-04164
57	Danny Kinser	2:18-cv-04167
58	Betty L. Sanner	2:18-cv-04169
59	Valerie Taylor	2:18-cv-04173
60	Charles Ketcherside	2:18-cv-04178
61	Tia Hartmann	2:18-cv-04180
62	Grady Harris	2:18-cv-04181
63	Sue Ann Sanford	2:18-cv-04182
64	Daniel Sharp	2:18-cv-04184
65	Kathleen Johnson	2:18-cv-04190
66	Rachel Hogg	2:18-cv-04192
67	Barry Turner	2:18-cv-04193
68	Janice Givins	2:18-cv-04197
69	Gilda Saunders	2:18-cv-04198
70	Isaac S. Reid	2:18-cv-04200
71	Froncell Shannon	2:18-cv-04207
72	Mary A. Williams	2:18-cv-04208
73	Stephanie James and Bernard James	2:18-cv-04209
74	Rayshell Robinson	2:18-cv-04215
75	William Gilmore	2:18-cv-04216
76	Lorraine Smith	2:18-cv-04217
77	Deborah Harling	2:18-cv-04218
78	Samantha Hawksorth, As Proposed Representative of the Estate of David L. Hawksorth, Deceased	2:18-cv-04220
79	Richard Hobbs	2:18-cv-04222
80	Michael Arnold	2:18-cv-04454
81	Linda Atkinson and Tommy Atkinson	2:18-cv-04459
82	Larry Brewer, Sr.	2:18-cv-04461
83	Sylvia Brooks	2:18-cv-04462
84	Herbert Banks and Myra Banks	2:18-cv-04463
85	Willien Holmes	2:18-cv-04464
86	Geneva Corbitt	2:18-cv-04465
87	Jerry Cameron	2:18-cv-04467
88	Kimberly A. Clark	2:18-cv-04469

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89	Edna Fitzsimmons	2:18-cv-04472
90	Jerry Campbell	2:18-cv-04473
91	Wendy Bess	2:18-cv-04474
92	Thelma Hampton	2:18-cv-04476
93	Donald Coble	2:18-cv-04478
94	Norman Holloway	2:18-cv-04481
95	Rozell Collins	2:18-cv-04482
96	Cassandra Howard	2:18-cv-04484
97	Kent Davis	2:18-cv-04486
98	Kathy Cook	2:18-cv-04487
99	Douglas Ivey	2:18-cv-04488
100	Sharren Crowell	2:18-cv-04489
101	Michael Lopez	2:18-cv-04494
102	Sandra Davis	2:18-cv-04496
103	Robert Parham, Jr.	2:18-cv-04497
104	Junior McDaniel	2:18-cv-04498
105	Climmie Gibbons	2:18-cv-04499
106	Teresa Harlen, as Proposed Representative of the Estate of Jack R. Harlen, Deceased	2:18-cv-04500
107	Herschel Merriett	2:18-cv-04503
108	Virginia Rackins	2:18-cv-04504
109	Otis Roberts	2:18-cv-04507
110	Henry Hess, Sr.	2:18-cv-04509
111	Charles Graham	2:18-cv-04510
112	Gail Semler	2:18-cv-04513
113	Laquanda Riggins	2:18-cv-04514
114	Patricia Simmons	2:18-cv-04515
115	Antonia Simmons	2:18-cv-04517
116	Jessie Martin	2:18-cv-04519
117	Mary Hankamer and Ed Hankamer	2:18-cv-04520
118	Christina Shubrick	2:18-cv-04521
119	Michael Morelock	2:18-cv-04522
120	Corliss Royal	2:18-cv-04523
121	Yvonne Sheers	2:18-cv-04524
122	Adeana Hardin	2:18-cv-04525
123	Brenda Dale	2:18-cv-04526
124	Brenda Smith-Capps	2:18-cv-04527
125	Kelly Smith	2:18-cv-04529
126	Frances Hardins	2:18-cv-04530
127	Ronald White	2:18-cv-04531
128	Delma Comer	2:18-cv-04532
129	Barbara Sapp-Greene	2:18-cv-04533
130	Mary Haynes	2:18-cv-04535
131	Sandra Young	2:18-cv-04536
132	Paul E. Wheeler	2:18-cv-04537
133	Betty Head	2:18-cv-04538
134	Kathy Shegda	2:18-cv-04542

135	Kathleen Hughes	2:18-cv-04543
136	Terria Wallace-Terrell	2:18-cv-04544
137	Philip Sawyer	2:18-cv-04545
138	Gary Nunez	2:18-cv-04614
139	Rhea Smith	2:18-cv-04615
140	Dwayne Fails	2:18-cv-04618
141	Daniel Opp	2:18-cv-04622
142	Tina Bowman	2:18-cv-04623
143	Ted Smith	2:18-cv-04624
144	Betty Brumfield	2:18-cv-04626
145	Walter Hammond and Adah Kennon	2:18-cv-04628
146	Alvin Stafford	2:18-cv-04629
147	Edward Chicarelli, Sr.	2:18-cv-04631
148	Gregory Chicarelli	2:18-cv-04635
149	Valerie Jones	2:18-cv-04636
150	John Sydnor	2:18-cv-04637
151	Jacqueline Blake	2:18-cv-04638
152	Jason Kellems	2:18-cv-04639
153	Barbara Johnson	2:18-cv-04640
154	William E. Taulbee	2:18-cv-04646
155	James Thornhill	2:18-cv-04651
156	Keith Likes	2:18-cv-04652
157	Mark Pickens	2:18-cv-04657
158	Peggy Waldron	2:18-cv-04658
159	Dawn Lockett	2:18-cv-04659
160	Carolyn Polly	2:18-cv-04660
161	Jerry Queen	2:18-cv-04661
162	Bobbie Walker	2:18-cv-04663
163	Eugenia Long	2:18-cv-04664
164	Joaquin Ramos and Linda Ramos	2:18-cv-04665
165	Margaret Manly	2:18-cv-04667
166	Janie Washington	2:18-cv-04669
167	Dena Sinnett	2:18-cv-04671
168	Brian Boyd	2:18-cv-04672
169	Rachedia Ross, as Proposed Representative of the Estate of Kelli Prevo, Deceased	2:18-cv-04681
170	Thelma Mason	2:18-cv-04684
171	Brenda Read	2:18-cv-04687
172	Julie Redderson	2:18-cv-04690
173	Harvey Chavez	2:18-cv-04695
174	Patricia J Smith	2:18-cv-04696
175	Judith Turner	2:18-cv-04697
176	Irma Santana	2:18-cv-04698
177	Michael Chivers	2:18-cv-04699
178	Sharon Turner	2:18-cv-04700
179	Paula Saul	2:18-cv-04703
180	Paula Sue Schilling	2:18-cv-04706

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181	Milton Sidwell	2:18-cv-04708
182	Wilma Wilson	2:18-cv-04710
183	Amoikon Ngouan	2:18-cv-05032
184	Roger Phillips and Margaret Phillips	2:18-cv-05034
185	Erika Short	2:18-cv-05035
186	Joseph Stephenson	2:18-cv-05036
187	Linda Swinford-Cooksey	2:18-cv-05037
188	Elizabeth Talton	2:18-cv-05039
189	Wanda Thomas	2:18-cv-05040
190	Guy Thomas	2:18-cv-05043
191	Sharon Thornhill	2:18-cv-05044
192	Isaiah Thomas	2:18-cv-05045
193	Patricia Vineyard	2:18-cv-05046
194	Donna Wicker	2:18-cv-05048
195	Michael Yardrough	2:18-cv-05050
196	Perry Trowbridge	2:18-cv-05051
197	Kathy Baumgartner	2:18-cv-05052
198	Keith Turner	2:18-cv-05053
199	Betty Dodd	2:18-cv-05054
200	Lorenzo Valenzuela	2:18-cv-05055
201	Maria Valenzuela	2:18-cv-05057
202	Patrika Vestal	2:18-cv-05059
203	Crystal Cartier	2:18-cv-05063
204	Jerry Messer	2:18-cv-05067
205	John Muncy	2:18-cv-05071
206	Linda Williams	2:18-cv-05075
207	Patricia Younger	2:18-cv-05078
208	Michael Worthen	2:18-cv-05079
209	Robert Dryden	2:18-cv-05081
210	Ricky Thomas	2:18-cv-05082
211	Christina Ward	2:18-cv-05083
212	Charla Mogg	2:18-cv-05084
213	Tommy Huff, Sr.	2:18-cv-05086
214	Renee Martinez	2:18-cv-05128
215	Ramon Barrios	2:18-cv-05129
216	Stephen Mitchell	2:18-cv-05130
217	Allen Murrow	2:18-cv-05132
218	Jerry Franklin	2:18-cv-05133
219	Myra McAllister	2:18-cv-05134
220	Marilyn McCallister	2:18-cv-05136
221	Anthony Taormina	2:18-cv-05137
222	Charles Smith	2:18-cv-05138
223	Donnie Mink	2:18-cv-05140
224	Melody Nequette	2:18-cv-05141
225	Darlene Farr	2:18-cv-05143
226	Catherine Morton-Davis	2:18-cv-05144
227	Bonnie Goodchild	2:18-cv-05146

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228	Dana Butler	2:18-cv-05148
229	Phillip Harris and Denise Harris	2:18-cv-05150
230	Hermon McNac, as Proposed Representative of the Estate of Lillie M. Butler, Deceased	2:18-cv-05152
231	Glenda Mays	2:18-cv-05153
232	Kathryn Caban	2:18-cv-05155
233	Christine Scott	2:18-cv-05158
234	Crystal Henson	2:18-cv-05160
235	David McMillen	2:18-cv-05161
236	Clara Singleton	2:18-cv-05162
237	Timothy Carter	2:18-cv-05163
238	Barbara Lambert and Paul Lambert	2:18-cv-05164
239	Phillip Tavegia	2:18-cv-05165
240	Sarah Mitchell	2:18-cv-05166
241	Charlotte Means	2:18-cv-05167
242	Richard Moran	2:18-cv-05170
243	Frederick Nickerson	2:18-cv-05171
244	Diane Murphy	2:18-cv-05174
245	Glenn Nemecek	2:18-cv-05177
246	Margorie Walker	2:18-cv-05178
247	Ruth Williamson	2:18-cv-05179
248	Harold E. Rakestraw	2:18-cv-05183
249	Linda Smith	2:18-cv-05186
250	Caroline Weatherton	2:18-cv-05189
251	Janie Wright	2:18-cv-05190
252	Marisha Miller	2:18-cv-05191
253	Melinda McMillen and Lawrence R. McMillen	2:18-cv-05194
254	Louanna Dunlap	2:18-cv-05195
255	Nancy Miller	2:18-cv-05197
256	George Hansen	2:18-cv-05198
257	Dwight Smith	2:18-cv-05202
258	Freddie Johnson	2:18-cv-05205
259	Rebecca Johnston	2:18-cv-05206
260	Alfred Vargas	2:18-cv-05207
261	Deanna Lacy	2:18-cv-05208
262	Terry Rasmussen	2:18-cv-05209
263	Barbara Manuel	2:18-cv-05212
264	Norma Williams	2:18-cv-05213
265	Teresa Byers	2:18-cv-05431
266	Adrian Nagy	2:18-cv-05432
267	Anthony Richardson	2:18-cv-05434
268	Rosemary Lehr	2:18-cv-05437
269	Donald Gibson	2:18-cv-05438
270	Lindell Shelby	2:18-cv-05439
271	Susan Miller	2:18-cv-05441
272	William Wade	2:18-cv-05449
273	Larry Huffman	2:18-cv-05451

274	William Wegis	2:18-cv-05453
275	Darrell Crow	2:18-cv-05454
276	Gerald Whatley	2:18-cv-05455
277	Joseph Cervantes	2:18-cv-05456
278	Sherry Hunt	2:18-cv-05457
279	Kit Middleton	2:18-cv-05461
280	Sandra Garrett	2:18-cv-05463
281	Hilda Johnson	2:18-cv-05464
282	Tony Hernandez	2:18-cv-05472
283	Bryan Swanson	2:18-cv-05476
284	Pamela Clark	2:18-cv-05478
285	Melvin Stubbs	2:18-cv-05479
286	Brett Timothy	2:18-cv-05481
287	Linda M. Williams	2:18-cv-05482
288	Cecelia Clipper	2:18-cv-05483
289	Jennifer Wolfe	2:18-cv-05485
290	Catherine Farrell	2:18-cv-05487
291	Sharon Powers	2:18-cv-05488
292	Arthur Warshawsky	2:18-cv-05490
293	Martha Burns	2:18-cv-05495
294	Gary Robertson	2:18-cv-05499
295	Kyle Rose	2:18-cv-05500
296	Margie Jennings	2:18-cv-05501
297	Rickey Carihfield, As Proposed Representative of the Estate of Miki L. Carihfield, deceased	2:18-cv-05502
298	Jeffrey Jones	2:18-cv-05504
299	Deborah Lee	2:18-cv-05507
300	Ellen Moritt	2:18-cv-05509
301	Burma Sizemore	2:18-cv-05511
302	Bob Hoover	2:18-cv-05513
303	Carmen Stevens	2:18-cv-05516
304	Samantha Lawson	2:18-cv-05520
305	Shirley Teel, as Proposed Representative of the Estate of Ezra C. Teel, Deceased	2:18-cv-05521
306	Margie Delauder	2:18-cv-05526
307	Brenda Bunch	2:18-cv-05942
308	Richard Cannon	2:18-cv-05947
309	Melissa Curry	2:18-cv-05952
310	Brenda Dye	2:18-cv-05956
311	Sheryl Gerald	2:18-cv-05959
312	Cedric Florence	2:18-cv-05960
313	Dennis Lane	2:18-cv-05962
314	Marsha Layman	2:18-cv-05964
315	Joyce Noble	2:18-cv-05968
316	Samantha Riddle	2:18-cv-05971
317	Richard Slate	2:18-cv-05973
318	Gwenda Steele	2:18-cv-05975

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319	Barbara Gibson, as Proposed Representative of the Estate of Alta Gibson, Deceased	2:18-cv-05976
320	William Taylor	2:18-cv-05977
321	Janet Washington	2:18-cv-05978
322	George Hawkins	2:18-cv-05980
323	Dana Wilson	2:18-cv-05982
324	Michael Longacre	2:18-cv-05988
325	Linda Martin	2:18-cv-05989
326	Debra O'Neal	2:18-cv-05993
327	Elnora Pope	2:18-cv-05995
328	Susan Reedy	2:18-cv-05996
329	Debbie Reynolds	2:18-cv-05997
330	Lacy Skinner	2:18-cv-06000
331	Linda Wilson	2:18-cv-06002
332	Brenda Young	2:18-cv-06003
333	Kathryn Anderson	2:18-cv-06134
334	Larry Basham and Linda Basham	2:18-cv-06138
335	Mary Hollander	2:18-cv-06148
336	Lance Faulkner	2:18-cv-06154
337	Christina Ford	2:18-cv-06157
338	Ruby Brake	2:18-cv-06161
339	Sharon Reid	2:18-cv-06164
340	Jimmy Brown	2:18-cv-06165
341	Bartholomew Gaiera and Karen Gaiera	2:18-cv-06166
342	Gregory Russell	2:18-cv-06169
343	Kathlene Brown	2:18-cv-06171
344	Sarah Brown	2:18-cv-06175
345	Sonjia Short	2:18-cv-06177
346	Donald Silas	2:18-cv-06180
347	Rita Bentley	2:18-cv-06184
348	Rebecca Harrington	2:18-cv-06196
349	Linda Buie	2:18-cv-06198
350	Patricia Hasty	2:18-cv-06202
351	John Copp	2:18-cv-06204
352	Sherry Davis	2:18-cv-06206
353	Garry Jackson	2:18-cv-06207
354	Richard Jackson and Judy Fontenot	2:18-cv-06214
355	John Whatley	2:18-cv-06216
356	Eugene Johnson	2:18-cv-06222
357	Beverly Elgan	2:18-cv-06223
358	Susan Downs	2:18-cv-06224
359	Cardell Woodard	2:18-cv-06225
360	Sharon Farris	2:18-cv-06227
361	Junita Horn	2:18-cv-06231
362	Bonnie Mize	2:18-cv-06232
363	Jackie Knight	2:18-cv-06233
364	Sarah Landry	2:18-cv-06239

365	Richard Guterrez	2:18-cv-06240
366	Richard Leonard	2:18-cv-06244
367	Karla Lee	2:18-cv-06245
368	Theodore Logan, Jr.	2:18-cv-06250
369	Sonja Prince	2:18-cv-06251
370	Belinda Holland	2:18-cv-06253
371	Tunya Lowe	2:18-cv-06256
372	Steve Thompson	2:18-cv-06260
373	Dorothy Van Horn	2:18-cv-06264
374	Sandra Walling	2:18-cv-06268
375	Marlene McIntyre	2:18-cv-06270
376	Michael Wetselline	2:18-cv-06271
377	Patina Johnson	2:18-cv-06274
378	Billy Largen and Donna Brown	2:18-cv-06278
379	Lillian Paxton	2:18-cv-06284
380	Bob Russom	2:18-cv-06288
381	Susan White, as Proposed Representative of the Estate of Eugene Kujawski, Deceased	2:18-cv-06432
382	Johnny Daniels	2:18-cv-06440
383	Emilee Palmer and Michael D. Palmer	2:18-cv-06449
384	Mary Nordby, as Proposed Representative of the Estate of Joan Jackson, Deceased	2:18-cv-06450
385	Tina Thornburg	2:18-cv-06456
386	Ennis Dunning	2:18-cv-06460
387	Marsha Graham, as Proposed Representative of the Estate of Gary Graham, Deceased	2:18-cv-06467
388	Kevin Harper	2:18-cv-06473
389	Travis Charlton, As Proposed Representative of the Estate of Cynthia Halbert, Deceased	2:18-cv-06476
390	Ima Young and Hollis Young-Wheely	2:18-cv-06480
391	Lesia Honn, Individually and as Proposed Representative of the Estate of Leonard Honn, Deceased	2:18-cv-06481
392	Teresa Alvarez, Individually and as Proposed Representative of the Estate of Thomas Alvarez, Deceased	2:18-cv-06484
393	Rosie Alvarez, Individually and as Proposed Representative of the Estate of Urbano Alvarez, Deceased	2:18-cv-06488
394	Nina Fernandez, as Proposed Representative of the Estate of Sanra Nobil, Deceased	2:18-cv-06497
395	Bradley Olson and Shirley Olson	2:18-cv-06498
396	Bernice Haley, Individually and as Proposed Representative of the Estate of Dennis Ray Haley, Deceased	2:18-cv-06504
397	Jerry Blosser, Individually and as Proposed Representative of the Estate of Wanda Blosser, Deceased	2:18-cv-06515
398	Norma Stillwagoner	2:18-cv-06520
399	Debbie Edgell, Individually and as Proposed Representative of the Estate of Jackie Edgell, Deceased	2:18-cv-06521

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400	Karen Keenan, Individually and as Proposed Representative of the Estate of Larry Keenan, Deceased	2:18-cv-06522
401	Shirley Morton, Individually and as Proposed Representative of the Estate of Delbert P Morton Sr., Deceased	2:18-cv-06527
402	James McDade, as Proposed Representative of the Estate of Laverne McDade, Deceased	2:18-cv-06528
403	Gina Zerby, Individually and as the Proposed Representative of Michael Zerby, Deceased	2:18-cv-06532
404	Lillian Paxton, Individually and as Proposed Representatie of the Estate of John Paxton, Deceased	2:18-cv-06533
405	Michelle Wilson	2:18-cv-06540
406	Rita Johnson, as Proposed Representative of the Estate of Lessie Tharpe, Deceased	2:18-cv-06549
407	Emily Knotts, as Proposed Representative of the Estate of Cheryl Stefenel, Deceased	2:18-cv-06552
408	William Cavanaugh and Margaret Cavanaugh	2:18-cv-06791
409	Julie Cross	2:18-cv-06800
410	Jacquelyn Booker	2:18-cv-06834
411	Dianne Caldwell	2:18-cv-06846
412	Brenda Cameron	2:18-cv-06854
413	Leona Collins, Individually and as the Representative of the Estate of Deniese Collins, Deceased	2:18-cv-06869
414	Patrick Connors	2:18-cv-06876
415	Larry Ludwick	2:18-cv-06937
416	Gladys Maddox	2:18-cv-06939
417	Frank Rendon	2:18-cv-06940
418	Johnnie Oliver	2:18-cv-06947
419	Charles Jones, as Proposed Representative of the Estate of Victoria Jones, Deceased	2:18-cv-06952
420	John Cole	2:18-cv-06962
421	Helen Robinson	2:18-cv-06963
422	Dorothy Alegria, As the Representative of the Estate of Edwin Alegria, deceased	2:18-cv-06966
423	Charles Howard	2:18-cv-06986
424	Luvern Purnell	2:18-cv-06997
425	Amy Qualles	2:18-cv-07001
426	Teresa Hill-Ibrahim	2:18-cv-07005
427	Barbara Burger	2:18-cv-07027
428	Kathy Lockhart	2:18-cv-07032
429	Dionna McGairk	2:18-cv-07043
430	Vertis Kellam	2:18-cv-07048
431	Judy Bradshaw, Individually and as the Representative of the Estate of Jimmy Bradshaw, Deceased	2:18-cv-07049
432	Richard Oyerbides, Individually and as the Representative of the Estate of Rebecca Mobley, Deceased	2:18-cv-07052
433	Shane Kilgore	2:18-cv-07057
434	Judy Wolford	2:18-cv-07079

435	Aquinda Woodrum	2:18-cv-07084
436	Virginia Boyd	2:18-cv-07090
437	Carl Evans Jr. and Carolyn Evans	2:18-cv-07106
438	Herman Firmin	2:18-cv-07110
439	Cornelius Bentley Sr.	2:18-cv-07112
440	Herbert Johnson	2:18-cv-07130
441	Joan Stoveken, Individually and as the Representative of the Estate of Gay Stoveken, Deceased	2:18-cv-07137
442	Angela Spicer, Individually and as the Representative of the Estate of James Spicer, Deceased	2:18-cv-07148
443	Amanda Turner, Individually and as the Representative of the Estate of Ronald Turner, Deceased	2:18-cv-07153
444	Christopher Crittenden	2:18-cv-07154
445	Jessie Darby, Individually and as the Representative of the Estate of Donnie Darby, Deceased	2:18-cv-07156
446	Malissa Wilson	2:18-cv-07170
447	Erick Barnes	2:18-cv-07187
448	John Norton	2:18-cv-07192
449	Tammy Perry	2:18-cv-07194
450	Brenda Fletcher	2:18-cv-07203
451	Nancy Esque	2:18-cv-07208
452	Kathleen King	2:18-cv-07228
453	Robert Brown	2:18-cv-07234
454	Diane McGee, individually and as the Representative of the Estate of Kevin McGee, Deceased	2:18-cv-07239
455	Mary Laffoon	2:18-cv-07243
456	George Gale	2:18-cv-07267
457	Clarence Abrams	2:18-cv-07270
458	Bonnie Apple	2:18-cv-07287
459	Helen Cannon	2:18-cv-07302
460	Sharon Ayers-Johnson	2:18-cv-07313
461	Olivia Hogan, Individually and as the Representative of the Estate of Maggie Harrison, Deceased	2:18-cv-07319
462	Brenda Bell	2:18-cv-07333
463	Thomas Russo	2:18-cv-07340
464	Forest Moore	2:18-cv-07351
465	Paul Lue, Individually and as the Representative of the Estate of Hyacinth Johnson, Deceased	2:18-cv-07352
466	Ernestine Mays-Mitchell, Individually and as the Representative of the Estate of Ernest Mays, Deceased	2:18-cv-07365
467	Clarence Rich	2:18-cv-07373
468	Cynthia Stapleton	2:18-cv-07381
469	Alice Williams	2:18-cv-07390
470	Birdie Woods	2:18-cv-07438
471	Lynette Tucker	2:18-cv-07441
472	Mary Murphy, Individually and as the Representative of the Estate of Garland Murphy, Deceased	2:18-cv-07450

473	Ronald Chasteen	2:18-cv-07474
474	Douglas Dennison	2:18-cv-07488
475	Kathleen White	2:18-cv-07501
476	Shirley Newsome	2:18-cv-07503
477	Lloyd Fleenor	2:18-cv-07515
478	Jamie Morgan, Individually and as the Representative of the Estate of Bernard Morgan, Deceased	2:18-cv-07526
479	Cecelia Roberts	2:18-cv-07534
480	Tammy Taylor	2:18-cv-07538
481	Bessie Madden	2:18-cv-07541
482	Frank Tropier, Individually and as the Representative of the Estate of Irene Tropier, Deceased	2:18-cv-07544
483	Deborah King, Individually and as the Representative of the Estate of Eva Manley, Deceased	2:18-cv-07550
484	Curtis Blankenship	2:18-cv-07553
485	Betty Apellido	2:18-cv-07557
486	Ora Groves	2:18-cv-07590
487	Gloria Dietrich	2:18-cv-07592
488	Robin Eden	2:18-cv-07613
489	Walker Howell	2:18-cv-07616
490	Stephanie Ralston-Bailey	2:18-cv-07617
491	Laura Richie	2:18-cv-07622
492	Regina Salisbury	2:18-cv-07632
493	Marlene Hatfield	2:18-cv-07639
494	Caren Singer	2:18-cv-07640
495	Randall Morton	2:18-cv-07662
496	Sharon Nali	2:18-cv-07667
497	Irvin Albright	2:18-cv-07669
498	Mary Ann Negrete, individually and as the Representative of the Estate of Hiram Negrete, Deceased	2:18-cv-07671
499	William Solis, Individually and as the Representative of the Estate of Aura Burgos, Deceased	2:18-cv-07688
500	Ronald Klinenberg	2:18-cv-07706
501	Linda Weller, Individually and as the Representative of the Estate of Marjorie Beecher, Deceased	2:18-cv-07707
502	Luis Nesta	2:18-cv-07708
503	Lorraine Turco	2:18-cv-07713
504	Delorise Marks	2:18-cv-07716
505	Mildred Hernandez, Individually and as the Representative of the Estate of Charles Varela, Deceased	2:18-cv-07724
506	Hazel Phillips	2:18-cv-07748
507	Elvia Quiroga, Individually and as the Representative of the Estate of Pedro Quiroga, Deceased	2:18-cv-07751
508	Tracie Powers	2:18-cv-07756
509	Mary Rivali, Individually and as the Representative of the Estate of Robert Rivali, Deceased	2:18-cv-07760
510	Roger Nelson	2:18-cv-07773

## Exhibit A

511	Marilyn Sullivan, Individually and as the Representative of the Estate of Evelyn Sullivan, Deceased	2:18-cv-07781
512	Bernadine Hardie	2:18-cv-07795
513	Peter Guerrero	2:18-cv-07796
514	Delisha Thomas	2:18-cv-07801
515	Joel Neidlinger	2:18-cv-07833
516	Deanna Shafer	2:18-cv-07851
517	Michael Barnett	2:19-cv-01055
518	Susan Hageman, As Proposed Representative of the Estate of Jack Hageman, Deceased	2:19-cv-01584
519	Dennis Kendall	2:19-cv-01668
520	Quintin Dennis	2:19-cv-01813
521	Ruth Dobson	2:19-cv-01849
522	Martha Griffith	2:19-cv-01853
523	William Hall	2:19-cv-01859
524	Gloria Haywood	2:19-cv-01881
525	James Amato	2:19-cv-01883
526	Ruth Hurd	2:19-cv-01887
527	Eric Hurwitz	2:19-cv-01889
528	Patricia Joppien	2:19-cv-01897
529	Paul Jozwiak	2:19-cv-01902
530	Ethel Birch	2:19-cv-01914
531	Michele Blomont	2:19-cv-01923
532	George Bonis	2:19-cv-01931
533	Raymond Bryant	2:19-cv-01939
534	John Bottoms	2:19-cv-01945
535	Cindy Campbell	2:19-cv-01948
536	Colleen Cantwell	2:19-cv-01965
537	Janis Carlton, Individually and as the Representative fo the Estate of Arland Carlton Jr., Deceased	2:19-cv-01976
538	Gladys Carpenter	2:19-cv-01981
539	Pete Caudillo	2:19-cv-01990
540	Brandon Cole	2:19-cv-02004
541	Robert Crenshaw	2:19-cv-02011
542	Wanda Crager	2:19-cv-02012
543	Jason Daniels	2:19-cv-02015
544	Linda McMillen	2:19-cv-02035
545	Odessa Mitchell	2:19-cv-02040
546	Patricia Mitchell	2:19-cv-02048
547	Charles Newsom	2:19-cv-02050
548	Orestes Diaz	2:19-cv-02059
549	Helmut Otto	2:19-cv-02061
550	Charlotte Edgar	2:19-cv-02074
551	Carey Bowie, Individually and as the Representative of the Estate of Henry Bowie, Deceased	2:19-cv-02086
552	William Elias	2:19-cv-02089
553	Warren Ketchmore	2:19-cv-02102

554	Juan Cantu, Individually and as the Representative of the Estate of Margarita Cantu, Deceased	2:19-cv-02104
555	Juanita Landers	2:19-cv-02127
556	Johnny Fritts	2:19-cv-02128
557	Karen Gaines	2:19-cv-02136
558	Brenda McCurdy, Individually and as the Representative of the Estate of Rickey McCurdy, Deceased	2:19-cv-02143
559	Gloria Hernandez	2:19-cv-02147
560	Cynthia McDonald, As the representative of the Estate of Helen McDonald, deceased	2:19-cv-02157
561	Bridgette Long	2:19-cv-02159
562	Nettie Overton, individually and as the Representative of the Estate of Charlie Overton, Deceased	2:19-cv-02174
563	Glenda Long	2:19-cv-02175
564	Melissa Olson	2:19-cv-02204
565	Sandra Pannell	2:19-cv-02246
566	Priscille Parent	2:19-cv-02261
567	Lucretia Peavy	2:19-cv-02275
568	Mabel Perry	2:19-cv-02318
569	Glenna Pool	2:19-cv-02335
570	Debra Primrose	2:19-cv-02356
571	Margaret Pryor, As the Representative of the Estate of Keith Pryor, deceased	2:19-cv-02367
572	Joyce Sheffield	2:19-cv-02377
573	Terry Sheffield	2:19-cv-02386
574	Esther Rangel, Individually and as the Representative of the Estate of Armando Rangel, Deceased	2:19-cv-02404
575	Henry Shuster	2:19-cv-02445
576	John Silva	2:19-cv-02454
577	Lionel Smith	2:19-cv-02464
578	Linda Stockwell	2:19-cv-02475
579	Diane Watkins	2:19-cv-02484
580	James Williams	2:19-cv-02487
581	Charles Wiley	2:19-cv-02493
582	Darwin Valentine	2:19-cv-02547
583	Linda Wood	2:19-cv-02562
584	Susan Lynn Wright, Individually and as the Representatie of the Estate of Tabitha Wright, Deceased	2:19-cv-02577
585	Denise Brown	2:19-cv-02581
586	Donna Wooten	2:19-cv-02586
587	Andra Henderson	2:19-cv-02743
588	Darryl Herod	2:19-cv-02748
589	Michael Prilla	2:19-cv-02955
590	John Choyce	2:19-cv-02988
591	Cheryl Adams, as Proposed Representative of the Estate of Belle Collins, Deceased	2:19-cv-02996
592	Elia Carrillo	2:19-cv-03068

593	Jeffrey Carter, Sr.	2:19-cv-03069
594	Carla Comer	2:19-cv-03073
595	Leota Conrad	2:19-cv-03075
596	John Covell	2:19-cv-03078
597	Cynthia Etheridge	2:19-cv-03118
598	Nancy Fennell	2:19-cv-03132
599	Nellie Ferguson	2:19-cv-03137
600	Treva Graves	2:19-cv-03142
601	Terry Haynes	2:19-cv-03163
602	Bertha Gable	2:19-cv-03165
603	Georgia Jackson-Wade	2:19-cv-03193
604	Rhonda Gomez	2:19-cv-03217
605	Kevin Goss	2:19-cv-03252
606	Paula Jones	2:19-cv-03256
607	Merle Kirkland	2:19-cv-03272
608	Mark Lacombe	2:19-cv-03277
609	Dennis Lacy	2:19-cv-03284
610	Lisa Peters	2:19-cv-03312
611	Shelia Holmes	2:19-cv-03327
612	Edward Miller	2:19-cv-03340
613	Brandon Huggins	2:19-cv-03366
614	Sylvia Perez	2:19-cv-03368
615	Linda Phillips	2:19-cv-03376
616	Michelle Inman	2:19-cv-03391
617	Charlene Jackson	2:19-cv-03415
618	Brenda Ridyolph	2:19-cv-03419
619	Paula Jackson	2:19-cv-03433
620	Sandi Robinson	2:19-cv-03435
621	Wanda Rogers	2:19-cv-03445
622	Barbara Steele	2:19-cv-03458
623	Bettye Stockton	2:19-cv-03467
624	Erick Joe	2:19-cv-03476
625	Nancy Sullivan	2:19-cv-03477
626	Shirley Swope	2:19-cv-03480
627	Cynthia Tucker	2:19-cv-03489
628	Shirlie Johnson	2:19-cv-03494
629	Dante Wilder	2:19-cv-03508
630	Moses Willmore	2:19-cv-03520
631	Lidia Yanez	2:19-cv-03524
632	Ronald E. Ker	2:19-cv-03528
633	Karen Collins, As proposed representative of the Estate of Charles Collins, deceased	2:19-cv-03537
634	Carolyn Coule and Jerome Coule	2:19-cv-03544
635	Joel Kight	2:19-cv-03545
636	Rosetta Cunningham	2:19-cv-03553
637	Helen Davis	2:19-cv-03561
638	Paul E. Dilocker	2:19-cv-03589

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639	Ruth Edwards	2:19-cv-03595
640	Rickie Swonger, as Proposed Representative of the Estate of Joyce Boyer, Deceased	2:19-cv-03596
641	Carl Brewer, Jr.	2:19-cv-03605
642	Lowanda Ford, as Proposed Representative of the Estate of William Ford, Deceased	2:19-cv-03612
643	Phillip Cottle	2:19-cv-03618
644	Linda Fresquez	2:19-cv-03624
645	Timothy Buzard	2:19-cv-03626
646	Diana Greathouse	2:19-cv-03633
647	Lena Turknett, as Proposed Representative of the Estate of Cecilia Gaines, Deceased	2:19-cv-03636
648	Suzanne Coleman-Cunningham	2:19-cv-03638
649	Maria Garcia	2:19-cv-03644
650	Betty Hunter, Individually and as the Representative of the Estate of Thomas Hunter, Deceased	2:19-cv-03645
651	Noreen Davis-Xanthis	2:19-cv-03646
652	Harrison Gift, III	2:19-cv-03651
653	Juanita Mekwuye	2:19-cv-03652
654	Lucille Dunson	2:19-cv-03661
655	Bernadette Green	2:19-cv-03662
656	Barbara Zajack	2:19-cv-03663
657	Ruthie Griffin	2:19-cv-03670
658	Melba Fabel	2:19-cv-03671
659	Jennifer Collins	2:19-cv-03679
660	Cecile Fichtner	2:19-cv-03681
661	Melissa Harris	2:19-cv-03684
662	Tracy Henderson	2:19-cv-03685
663	Linwood Flemister	2:19-cv-03686
664	Kathlene Henson and Ernest Henson	2:19-cv-03687
665	Elizabeth Flournoy	2:19-cv-03697
666	Cathleen James	2:19-cv-03707
667	James Franklin, Sr.	2:19-cv-03711
668	Cyndi Mazza, as Proposed Representative of the Estate of Josephine Kempf, Deceased	2:19-cv-03716
669	Cynthia Lawhorn	2:19-cv-03739
670	Adeline Henderson	2:19-cv-03769
671	Linda Martinez	2:19-cv-03777
672	Lynell Johnson	2:19-cv-03784
673	Michael Jones	2:19-cv-03806
674	Cara Kreider	2:19-cv-03817
675	Stephen McNeill	2:19-cv-03823
676	Richard Lombardo	2:19-cv-03826
677	Linda Metcalf	2:19-cv-03836
678	Matilde Lopez	2:19-cv-03839
679	Kathleen Mirarchi	2:19-cv-03841
680	Wilma Miller	2:19-cv-03849

681	Tammy Phipps	2:19-cv-03863
682	Melissa Konarski, Individually and as the Representative of the Estate of Pamela Zaccardi, Deceased	2:19-cv-03869
683	Patty Anderson	2:19-cv-03889
684	Kevin Takacs	2:19-cv-03921
685	Patricia E. Thomas	2:19-cv-03980
686	Brandon Ward	2:19-cv-03987
687	Darren Williams	2:19-cv-04012
688	Belinda Laird	2:19-cv-04031
689	Robert Williams	2:19-cv-04036
690	Gaye Young	2:19-cv-04050
691	Julie Long	2:19-cv-04094
692	Fidencio Lopez	2:19-cv-04111
693	Anita Loudy	2:19-cv-04113
694	Harold Martin	2:19-cv-04125
695	Fernando Martinez, Jr.	2:19-cv-04130
696	Sandra Detherage	2:19-cv-04133
697	Carol Rosenblum	2:19-cv-04146
698	Linda Barnett	2:19-cv-04152
699	Bernice Elkins, As the Representative of the Estate of Chilles Elkins, Deceased	2:19-cv-04161
700	Susan Payne	2:19-cv-04162
701	Keith Ellery	2:19-cv-04166
702	Kerry Bland	2:19-cv-04178
703	Denise Garrette	2:19-cv-04188
704	Josette Schaffer	2:19-cv-04192
705	Barbara Grant	2:19-cv-04197
706	Lynn Seabrook	2:19-cv-04198
707	Mary C. Smith	2:19-cv-04202
708	John Danso, Individually and as the Representative of the Estate of Vickie Danso, Deceased	2:19-cv-04204
709	Rachel Smith	2:19-cv-04207
710	Lawrence Lucerne	2:19-cv-04209
711	Rickey E. Vice	2:19-cv-04211
712	Sandra Mason	2:19-cv-04218
713	Cheryl Woody	2:19-cv-04223
714	Beverly McCaleb	2:19-cv-04224
715	Veda McDonald-Rhodes, Individually and as the Representative of the Estate of Andre McDonald, Deceased	2:19-cv-04228
716	Joanne Smith	2:19-cv-04234
717	Lee Spaulding	2:19-cv-04238
718	Diane Wood	2:19-cv-04242
719	Marvin Edwards	2:19-cv-04248
720	John Mangum	2:19-cv-04263
721	Robert McKim	2:19-cv-04266
722	Paul Shrode	2:19-cv-04267

723	Mary Nicholson, as Proposed Representative of the Estate of Winnie L. Nicholson, Deceased	2:19-cv-04276
724	Robert C. Lopez	2:19-cv-04342
725	Mary Burchett	2:19-cv-04470
726	Greg Cadjew	2:19-cv-04473
727	Anabel Campbell	2:19-cv-04485
728	Clarice Boutin	2:19-cv-04486
729	Joanna E. Campbell	2:19-cv-04492
730	Quinten W. Bowen	2:19-cv-04497
731	Michael Bowen	2:19-cv-04503
732	Cathleen A. Brooks	2:19-cv-04504
733	Don Burleson-Castillo	2:19-cv-04505
734	Terri L. Banfield	2:19-cv-04506
735	Lisa Brookshire	2:19-cv-04510
736	Melinda J. Burns	2:19-cv-04515
737	Catherine Antwine	2:19-cv-04516
738	Roy D. Burress	2:19-cv-04517
739	Jackie L. Brown	2:19-cv-04518
740	Joseph A. Archer	2:19-cv-04519
741	Margie T. Bannister	2:19-cv-04528
742	Danny Asti	2:19-cv-04534
743	Leta Bannon	2:19-cv-04535
744	Janice Weibley, on behalf of Elizabeth L. Boyd	2:19-cv-04537
745	Cassandra Bell	2:19-cv-04548
746	Debra Bramblett	2:19-cv-04561
747	Douglas Ball	2:19-cv-04572
748	Laquiche L. Benjamin	2:19-cv-04573
749	Brent Bregan	2:19-cv-04574
750	Sharon L. Bennett	2:19-cv-04580
751	Charita R. Brown	2:19-cv-04586
752	Johnny Brown	2:19-cv-04592
753	Todd Brown	2:19-cv-04595
754	Yvonne Abrams	2:19-cv-04617
755	Lisa D. Binder	2:19-cv-04628
756	Ricky W. Barley	2:19-cv-04629
757	Candy J. Bryant	2:19-cv-04630
758	Tammie Y. Cheatham	2:19-cv-04634
759	Charles A. Biondillo	2:19-cv-04643
760	Dennis Bunch	2:19-cv-04650
761	Sherman Bunnell	2:19-cv-04653
762	Ruth Cassidy	2:19-cv-04664
763	Lisa Jo Albright	2:19-cv-04674
764	Brian D. Alexander	2:19-cv-04680
765	Josephine Basey	2:19-cv-04681
766	Damisha L. Bishop	2:19-cv-04684
767	Joe Alfieri	2:19-cv-04690
768	Christine S. Basile	2:19-cv-04700

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769	Shirley Bass	2:19-cv-04703
770	Sylvia J. Cotton	2:19-cv-04709
771	Gerald E. Coyle	2:19-cv-04719
772	Alice Baxter	2:19-cv-04722
773	Joe Bean	2:19-cv-04730
774	Jackie Crawford	2:19-cv-04734
775	Ruth V. Cleveland	2:19-cv-04735
776	Anna Gonzalez, as Proposed Representative of the Estate of Beatrice Ceja, Deceased	2:19-cv-04750
777	Derrick A. Cloud	2:19-cv-04756
778	Sharon Brewer	2:19-cv-04761
779	Etta M. Brewer	2:19-cv-04762
780	Tiena Britt	2:19-cv-04773
781	Joe Dehart	2:19-cv-04776
782	Jose Deleon	2:19-cv-04781
783	Twila M. Dillon	2:19-cv-04790
784	Richard Dismuke	2:19-cv-04792
785	Larry Cole	2:19-cv-04798
786	Joel Chapa	2:19-cv-04810
787	Leif E. Anderson	2:19-cv-04821
788	Mary Eddy	2:19-cv-04825
789	Dora Chatman	2:19-cv-04826
790	Stephen Eaton	2:19-cv-04829
791	David A. Ealy	2:19-cv-04837
792	Jack Cunningham	2:19-cv-04844
793	Clara C. Dacko	2:19-cv-04848
794	Linda Duffy	2:19-cv-04862
795	Jean C. Darby	2:19-cv-04878
796	Tina Dasher	2:19-cv-04882
797	Mark A. Anderson	2:19-cv-04883
798	Arnada F. Davis	2:19-cv-04906
799	Jamie Davis	2:19-cv-04907
800	Augusta L. Colson	2:19-cv-04909
801	John Elliott	2:19-cv-04913
802	David Andrews	2:19-cv-04914
803	Deborah K. Elmer	2:19-cv-04918
804	Lori A. Enos	2:19-cv-04925
805	Adela Anguiano	2:19-cv-04927
806	Troy Ersch	2:19-cv-04932
807	Theresa Cooper	2:19-cv-04939
808	Doris Crutchfield	2:19-cv-04944
809	Kevin Carr	2:19-cv-04950
810	Letrell Cuff	2:19-cv-04951
811	Robbin Carridine	2:19-cv-04952
812	Catherine Carroll	2:19-cv-04960
813	Lula M. Day	2:19-cv-04961
814	James F. Dean	2:19-cv-04967

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815	Pamela Fix	2:19-cv-04972
816	John Fry	2:19-cv-04976
817	Angela Clinton	2:19-cv-04981
818	Pat J. Evans	2:19-cv-04986
819	Cynthia Bonacci	2:19-cv-04994
820	Robin Fizhugh	2:19-cv-05006
821	Joyce Carvalho	2:19-cv-05016
822	Calvin Carver	2:19-cv-05022
823	Sherley L. Booker	2:19-cv-05027
824	Lee Booth	2:19-cv-05052
825	Albert V. Borboa	2:19-cv-05053
826	Evelyn W. Frey	2:19-cv-05069
827	Mary Duncan	2:19-cv-05072
828	Mary Jane Franklin	2:19-cv-05073
829	Gerardo Gallaga	2:19-cv-05089
830	Libia Felix	2:19-cv-05094
831	Charlotte Edwards	2:19-cv-05097
832	Amber N. Felthaus	2:19-cv-05098
833	Dorothy Edwards	2:19-cv-05099
834	Jacqueline Ferera	2:19-cv-05102
835	Beverly Ficklin	2:19-cv-05111
836	Keith Franklin	2:19-cv-05112
837	Walter Gaddis	2:19-cv-05115
838	Matilda Gagliardi	2:19-cv-05119
839	Barbara S. Foutty	2:19-cv-05132
840	Debbie A. Garcia	2:19-cv-05135
841	Sue A. Fink	2:19-cv-05138
842	Susan K. Kellar	2:19-cv-05166
843	Robert L. Johnson, Jr.	2:19-cv-05168
844	Susan K. Kelley	2:19-cv-05174
845	Timothy Henry	2:19-cv-05177
846	Angela K. Henry	2:19-cv-05185
847	David M. Huddleston	2:19-cv-05186
848	Glenda Jackson	2:19-cv-05193
849	Bobby G Jones	2:19-cv-05196
850	Darlene Huettnerberger	2:19-cv-05197
851	Gary D. Johnson	2:19-cv-05199
852	Vivian Knudsen	2:19-cv-05209
853	Annie M Jones	2:19-cv-05217
854	Gordon Hills	2:19-cv-05220
855	Barbara A. Jones	2:19-cv-05230
856	Vickie L. Jones	2:19-cv-05242
857	Ronnie W. Johnson	2:19-cv-05247
858	Vickie Kemp	2:19-cv-05249
859	Kathleen F. Kimble	2:19-cv-05263
860	Michael Hurley	2:19-cv-05267
861	Wesley Hurt	2:19-cv-05271

862	Billy R. Johns	2:19-cv-05273
863	Donna Hines	2:19-cv-05275
864	Virginia Johnson Gruver	2:19-cv-05281
865	Margaret Jordan	2:19-cv-05295
866	Williard I. Justice	2:19-cv-05304
867	Jane Krause	2:19-cv-05312
868	Carol M. Kristian	2:19-cv-05315
869	Tammy Jobe	2:19-cv-05319
870	Connie Ivory	2:19-cv-05324
871	Karen C. King	2:19-cv-05327
872	Jerry R. Kingery	2:19-cv-05328
873	Constance Gary	2:19-cv-05335
874	Henry H. Hessen	2:19-cv-05341
875	Patrick W. Lacke	2:19-cv-05349
876	Barton S. Hickey	2:19-cv-05353
877	Cinda Geerlings	2:19-cv-05359
878	Pamela Kazak	2:19-cv-05369
879	David Gilbert	2:19-cv-05370
880	Romona Kea	2:19-cv-05375
881	Phyllis j. Kinsey	2:19-cv-05376
882	Edward W. Gildner	2:19-cv-05379
883	Lisa Keith	2:19-cv-05385
884	Deborah Gilstrap	2:19-cv-05387
885	Marion Francis Keith	2:19-cv-05391
886	Sue Langham	2:19-cv-05401
887	William D. Hinshaw	2:19-cv-05415
888	Mark D. Hochul	2:19-cv-05428
889	Kathleen Lalor	2:19-cv-05507
890	Nancy K. Garza	2:19-cv-05528
891	Richard Graham	2:19-cv-05544
892	Louise Jones	2:19-cv-05548
893	June S. Grumbein	2:19-cv-05558
894	Sarah Holland	2:19-cv-05563
895	Ronald W. Grissom	2:19-cv-05600
896	Darren Gines	2:19-cv-05608
897	Milton E. Hansen, Jr.	2:19-cv-05610
898	Loyce A. Hampson	2:19-cv-05623
899	Teresa Haney	2:19-cv-05636
900	Linda Guzman, as Proposed Representative of the Estate of Barbara Guzman, Deceased	2:19-cv-05649
901	Connie Gamez	2:19-cv-05652
902	Jesse Hales	2:19-cv-05697
903	Paul Glasper	2:19-cv-05699
904	Shelley M. Harder	2:19-cv-05703
905	Anne A. Headrick	2:19-cv-05728
906	Sandra S. Hart	2:19-cv-05731
907	John D. Harrison	2:19-cv-05734

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908	Melvin W. Hendryx	2:19-cv-05745
909	Verna Heideman	2:19-cv-05750
910	Derric R. Henderson	2:19-cv-05773
911	Jason A. Head	2:19-cv-05847
912	Vanessa Harper	2:19-cv-05850
913	Jeffrey A Heaps	2:19-cv-05853
914	Barbara A. Harper	2:19-cv-05864
915	Rhonda Leopold	2:19-cv-06011
916	Carol A. Lentz	2:19-cv-06012
917	Terica Lemon	2:19-cv-06014
918	Alberta Lee	2:19-cv-06017
919	Jerry Lawley, Jr.	2:19-cv-06026
920	Delois Miller	2:19-cv-06069
921	Gail H. Mills	2:19-cv-06072
922	Joseph Mirabile	2:19-cv-06078
923	Barbara Mire	2:19-cv-06079
924	Berchia M. Mitchell	2:19-cv-06106
925	Jason R. Mitchell	2:19-cv-06110
926	Alice Moore	2:19-cv-06123
927	Linda L. Hopkins	2:19-cv-06152
928	Kimberly A. Horn	2:19-cv-06160
929	Veronica C. Williams	2:19-cv-06193
930	Zane Libert, as the Proposed Administrator of the Estate of Julianna Libert, deceased	2:19-cv-06198
931	Jerry Winthrop	2:19-cv-06213
932	Joe N. Little	2:19-cv-06225
933	Betty J. Withrow	2:19-cv-06226
934	Teena Williams	2:19-cv-06236
935	Kevin Wilson	2:19-cv-06305
936	Desiree Lovins	2:19-cv-06323
937	Robert R. Houser	2:19-cv-06349
938	Judith Lambert	2:19-cv-06352
939	Anthony Lanas	2:19-cv-06354
940	Juliana Wimberly	2:19-cv-06370
941	Betty Lowther	2:19-cv-06374
942	Joseph W. Lucas	2:19-cv-06376
943	Candace M. Malin	2:19-cv-06392
944	Helen M. Martinez	2:19-cv-06426
945	Raul Martinez	2:19-cv-06429
946	Rebecca Meader	2:19-cv-06437
947	Shekina D. Mason	2:19-cv-06439
948	Jacobus Mekes	2:19-cv-06443
949	Sharon W. Mellott, as the Proposed Administrator of the Estate of Jerry W. Mellott, deceased	2:19-cv-06445
950	Deborah Mercer	2:19-cv-06452
951	Kym Matthews	2:19-cv-06455
952	Lynda Mercer	2:19-cv-06456

## Exhibit A

953	Lena Woolfolk	2:19-cv-06457
954	Jessie M. Merriweather	2:19-cv-06460
955	Oliver T. Mihm	2:19-cv-06482
956	Henry G. Miles	2:19-cv-06486
957	Lora Wilson	2:19-cv-06490
958	Alexander J. Mayfield	2:19-cv-06491
959	Teresa Mayo	2:19-cv-06495
960	Arlene Miller	2:19-cv-06496
961	Thelma McClellen	2:19-cv-06520
962	Brenda McConnachie	2:19-cv-06522
963	Dee A. Mankins	2:19-cv-06533
964	Iris L. Manning	2:19-cv-06534
965	Grachell L. Manuel	2:19-cv-06537
966	Janet S. Markello	2:19-cv-06540
967	Douglas Worden	2:19-cv-06542
968	Joann C. Worden	2:19-cv-06550
969	Marilyn Young	2:19-cv-06599
970	Missouri McCann	2:19-cv-06614
971	Hollis Q. Moore	2:19-cv-06637
972	Antonio Morales	2:19-cv-06641
973	Anna M. Morales	2:19-cv-06642
974	August Morella	2:19-cv-06644
975	Jessie Noiel	2:19-cv-06649
976	Jeffrey A. Oakley	2:19-cv-06656
977	Norma J. Ochoa	2:19-cv-06657
978	Marilyn D. Ojeda	2:19-cv-06660
979	Mindy Oosting	2:19-cv-06673
980	William H. Morgan	2:19-cv-06677
981	Marilyn A. Palma	2:19-cv-06690
982	Darrell M. Papaleo	2:19-cv-06693
983	Betty A. Parks	2:19-cv-06696
984	Kay Parks	2:19-cv-06697
985	Maria D. Parovel	2:19-cv-06699
986	Deborah L. Patterson	2:19-cv-06706
987	Lisa York-Williams	2:19-cv-06712
988	Shirley Murray	2:19-cv-06713
989	Sandy Myers	2:19-cv-06721
990	Renato Natal	2:19-cv-06730
991	Andrenette Marshall	2:19-cv-06748
992	Daniel Peters	2:19-cv-06823
993	David Peterson, Sr.	2:19-cv-06827
994	Leonard Nesbitt	2:19-cv-06828
995	Cherri D. Young	2:19-cv-06837
996	Rachel Martinez, as Proposed Representative of the Estate of Richard Martinez, Deceased	2:19-cv-06845
997	Annette K. Morris	2:19-cv-06862
998	Neal H. Pleasant	2:19-cv-06883

999	Adrienne Newton	2:19-cv-06885
1000	John Nicaastro	2:19-cv-06889
1001	Eddie Nicholson	2:19-cv-06897
1002	Joyce Niemi	2:19-cv-06899
1003	Luis Nieves	2:19-cv-06900
1004	Barbara Noble	2:19-cv-06911
1005	Norma Wright	2:19-cv-06918
1006	Norman Reynolds	2:19-cv-06938
1007	Luis Rodriguez-Charriez	2:19-cv-06947
1008	Walter R. Roger	2:19-cv-06950
1009	James Potter	2:19-cv-06962
1010	Misty C. Powell	2:19-cv-06966
1011	Leon Rhodes and Veronica Rhodes	2:19-cv-06967
1012	Carolyn Powers	2:19-cv-06974
1013	Francis Presto	2:19-cv-06981
1014	Deborah A. Richard	2:19-cv-06989
1015	Daniel Paul	2:19-cv-07003
1016	Louise C. Peaco	2:19-cv-07010
1017	Pamela M. Pruitt	2:19-cv-07022
1018	Kathy Ridgeway	2:19-cv-07034
1019	Esteban Rojo	2:19-cv-07039
1020	Anthony Riley	2:19-cv-07045
1021	Ricky L. Wilson	2:19-cv-07047
1022	Annette H. Ringley	2:19-cv-07049
1023	Linda Roach	2:19-cv-07057
1024	Leona Quinn	2:19-cv-07059
1025	Frank Quinones	2:19-cv-07065
1026	Sharon Raabe	2:19-cv-07069
1027	Judith Robertson	2:19-cv-07082
1028	Martina Ramirez	2:19-cv-07083
1029	James Randolph	2:19-cv-07104
1030	Debbie M. Rankin	2:19-cv-07111
1031	April Rondeau	2:19-cv-07119
1032	Ruth Roozing-Grimsrud	2:19-cv-07126
1033	Manuel G. Rodriguez	2:19-cv-07137
1034	David B. Zarosky	2:19-cv-07139
1035	Brandi Peebles	2:19-cv-07166
1036	David Pennypacker, as Proposed Representative of the Estate of Cynthia Pennypacker, Deceased	2:19-cv-07175
1037	Eric D. Perkins	2:19-cv-07188
1038	Michael Scadden	2:19-CV-07191
1039	Claudia Ortega, as the Proposed Administrator of the Estate of Josefina Silva, deceased	2:19-cv-07201
1040	William Schiffert	2:19-cv-07203
1041	Sydney B. Silver	2:19-cv-07206
1042	Darlet A. Simile	2:19-cv-07208
1043	Bruce E. Simmons	2:19-cv-07210

1044	Mary M. Simmons	2:19-cv-07214
1045	Ronald A. Simmons	2:19-cv-07216
1046	Sheryl D. Simpson	2:19-cv-07218
1047	Theresa Sipler	2:19-cv-07222
1048	Ben Schwartz	2:19-cv-07238
1049	Robert Smith	2:19-cv-07247
1050	Rita Scott, As Proposed Representative of the Estate of Melvern Scott, deceased	2:19-cv-07250
1051	Nancy Rouseau	2:19-cv-07267
1052	Lisa C. Rowlette	2:19-cv-07272
1053	Amanda Scrimpsheer	2:19-cv-07300
1054	Roger Zickefoose	2:19-cv-07306
1055	Scott E. Shaner	2:19-cv-07348
1056	Raymond L. Shaner	2:19-cv-07349
1057	Anita L. Shank	2:19-cv-07352
1058	Carla A. Smith	2:19-cv-07358
1059	Debra Sheffey	2:19-cv-07372
1060	Gloria Sheppard	2:19-cv-07382
1061	Patricia A. Smith	2:19-cv-07383
1062	Andrew Sherrod	2:19-cv-07388
1063	Sharon Smith	2:19-cv-07389
1064	Valorie Sherrod	2:19-cv-07390
1065	Annette H. Shook	2:19-cv-07400
1066	Ysleta Smith	2:19-cv-07403
1067	Arlene Sidenstick	2:19-cv-07425
1068	David A. Soliz	2:19-cv-07493
1069	Gilbert J. Sosa	2:19-cv-07500
1070	Christina Spaulding	2:19-cv-07509
1071	Heidi McGee	2:19-cv-07516
1072	Troy McKelvy	2:19-cv-07521
1073	Shanda M. Meacacke	2:19-cv-07543
1074	Alan R. Sussman	2:19-cv-07552
1075	Wendy Swartz	2:19-cv-07555
1076	Brenda Swift	2:19-cv-07558
1077	Dawn Takacs	2:19-cv-07560
1078	Kermit E. Tate	2:19-cv-07563
1079	Tony E. Taylor	2:19-cv-07569
1080	Ronald Perrin	2:19-cv-07572
1081	Barbara A. Rauenzahn	2:19-cv-07574
1082	Janet Reardon	2:19-cv-07580
1083	Elspeth A. Teed	2:19-cv-07584
1084	Michael B. Tenore	2:19-cv-07587
1085	Ruby M. Terrasas	2:19-cv-07589
1086	Pamela D. Terry	2:19-cv-07590
1087	Miriam Thomas	2:19-cv-07597
1088	Willie Thomas	2:19-cv-07600
1089	Zoanthony M. Thomas	2:19-cv-07601

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1090	Kim Sposato	2:19-cv-07621
1091	Dean St. John	2:19-cv-07624
1092	Diane Robinson, As Proposed Representative of the Estate of James Stacker, Deceased	2:19-cv-07627
1093	Daniel M. Russell	2:19-cv-07633
1094	Carrie L. Stark	2:19-cv-07634
1095	Courtney Stark	2:19-cv-07636
1096	Rose Starr	2:19-cv-07639
1097	Sally D. Reed	2:19-cv-07642
1098	Gail E. Sachs	2:19-cv-07653
1099	Sandra Steen	2:19-cv-07658
1100	Sheila K. Sain	2:19-cv-07661
1101	Yvette Sanders	2:19-cv-07673
1102	Vashon Stephens	2:19-cv-07676
1103	Sonja F. Anthony	2:19-cv-07681
1104	Madge E. Reed	2:19-cv-07701
1105	Dea Reed	2:19-cv-07707
1106	Linda K. Reed	2:19-cv-07717
1107	Shasta Cook	2:19-cv-07725
1108	Norma Fuentes	2:19-cv-07739
1109	Donna J. Renard	2:19-cv-07763
1110	Mark E. Lynch	2:19-cv-07771
1111	Tammy Sateriale	2:19-cv-07793
1112	Arnoldo Saucedo	2:19-cv-07799
1113	Rodney Stewart	2:19-cv-07800
1114	Ricky Stewart	2:19-cv-07804
1115	Nicholas Savini	2:19-cv-07825
1116	Lennie Stowes	2:19-cv-07851
1117	Joan V. Streek	2:19-cv-07857
1118	Fred Stuhlemmer, As Proposed Representative of the Estate of Leah Stuhlemmer, Deceased	2:19-cv-07864
1119	Eric T. Whitfield	2:19-cv-07871
1120	Susan Reitz	2:19-cv-07879
1121	Nowell E. Renth	2:19-cv-07884
1122	Silvia Retana	2:19-cv-07886
1123	Kevin Wiggs	2:19-cv-07893
1124	Sylvia Thrower	2:19-cv-07898
1125	Mona L. Timms	2:19-cv-07901
1126	Robert W. Tonini	2:19-cv-07908
1127	Jeffrey L. Montgomery	2:19-cv-07929
1128	Linda Palafox	2:19-cv-07955
1129	Mary N. Vieyra	2:19-cv-07990
1130	Mary Vincent	2:19-cv-08003
1131	Geraldine Virges	2:19-cv-08004
1132	Carmen Vitello	2:19-cv-08007
1133	Lois Torres	2:19-cv-08013
1134	Randy E. Totenhagen	2:19-cv-08017

1135	Kimberly Wilfong	2:19-cv-08028
1136	Michael Waddy	2:19-cv-08035
1137	Kimberly A. Willhite	2:19-cv-08043
1138	Jeanette R. Wadholm-Williams	2:19-cv-08045
1139	Brycelynn Wakkukait	2:19-cv-08095
1140	Bonnie S. Walburn	2:19-cv-08097
1141	Dee N. Trejo	2:19-cv-08141
1142	Donna M. Tritto	2:19-cv-08150
1143	Arthur L. Waller	2:19-cv-08151
1144	Joseph Walsh	2:19-cv-08155
1145	Wanda J. Turnage	2:19-cv-08200
1146	Donald Turnbow	2:19-cv-08202
1147	Donald W. Vanadore Jr.	2:19-cv-08253
1148	Roberta L. Vankuren	2:19-cv-08259
1149	Linda I. Ruffin	2:19-cv-08279
1150	Jerome G. Washington	2:19-cv-08291
1151	Cherry Watson as Proposed Representative of the Estate of Gary E. Watson, Deceased	2:19-cv-08323
1152	Betty Webb	2:19-cv-08430
1153	Peggy Wehr	2:19-cv-08436
1154	Daniel E. Varner	2:19-cv-08449
1155	Maria Welch	2:19-cv-08503
1156	Jimmy Welch	2:19-cv-08505
1157	Cody Weldon	2:19-cv-08506
1158	Cornelius Westbrook	2:19-cv-08509
1159	Audrey M. Werner	2:19-cv-08547
1160	Kathleen West	2:19-cv-08562
1161	Joseph White Sr.	2:19-cv-08573
1162	Sandra E. White	2:19-cv-08601
1163	Robert Acosta	2:19-cv-08709
1164	Eugene Fisher	2:19-cv-08838
1165	Mary Bellmore, Individually and as the Representative of the Estate of Donn Bellmore, Deceased	2:19-cv-10047
1166	Katie Ware	2:19-cv-10141
1167	Michael Davis	2:19-cv-11777
1168	Dennis Thompson	2:19-cv-12040
1169	Janet Burau	2:19-cv-12611
1170	Rose Campbell	2:19-cv-12613
1171	Betty Jessie	2:19-cv-12618
1172	William Sayles	2:19-cv-12628
1173	Robert Brantley	2:19-cv-20086
1174	Brenda Kellam	2:20-cv-07294
1175	Kathleen Anderson	2:20-cv-07343
1176	Sandra Loesche	2:20-cv-07344
1177	Alex Montiel	2:20-cv-07345
1178	Dolores Payne	2:20-cv-07348
1179	Glenda Kelsey	2:20-cv-20741

1180	Sheila Kindoll	2:20-cv-20742
1181	Linda K Shierling	2:20-cv-20743